

SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILLS NOS. 4, 42, & 89
AN ACT

To repeal section 160.516, RSMo, and to enact in lieu thereof five new sections relating to transparency in elementary and secondary education, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 160.516, RSMo, is repealed and five new sections enacted in lieu thereof, to be known as sections 160.516, 161.841, 161.852, 170.355, and 170.370, to read as follows:

160.516. 1. Notwithstanding the provisions of section 160.514, the state board of education and the department of elementary and secondary education shall not be authorized to mandate and are expressly prohibited from mandating the curriculum, textbooks, or other instructional materials to be used in public schools. Each local school board and charter school governing board shall be [responsible for the approval and adoption of] required to approve and adopt the curriculum used by the school district or charter school at least two months prior to implementation. The provisions of this subsection shall not apply to schools and instructional programs administered by the state board of education and the department of elementary and secondary education or to school districts that are classified as unaccredited.

2. The state board of education and the department of elementary and secondary education shall not require districts to use any appendix to the common core state standards.

3. The school board for each school district and each charter school governing board shall adopt policies and

procedures to ensure the approved and adopted curricula presented under subsection 1 of this section are properly implemented in the classroom. The choice of academic class offerings and curriculum materials shall ensure schools meet the purpose of education as provided in the Missouri Constitution and the Constitution of the United States.

4. At least five years of data showing percentages of students by grade level, subject, and percentage level of students at or above grade level based on state assessment scores shall be posted in the same section as the curricula on the school district's and charter school's website, shall be available for inspection at each individual attendance center of a school district or charter school, and shall be posted on the portal established in section 161.852.

161.841. 1. This section shall be known and may be cited as the "Parents' Bill of Rights Act of 2023".

2. (1) As used in this section, the term "parent" means a child's parent, guardian, or other person having legal control or custody of the child;

(2) As used in this section and section 161.852, the term "school" or "schools" shall mean a public school or school district as such terms are defined in section 160.011, including a charter school as defined in section 160.400, and any virtual school or virtual provider authorized under section 161.670.

3. (1) This section shall be construed to empower parents to enforce the following rights to access records maintained by schools and the individual attendance centers of such schools in which their children are enrolled:

(a) The right to know what their minor child is being taught in school including, but not limited to, curricula, books, source materials, and other instructional materials;

(b) The right to receive the name of any person who is teaching their minor child including, but not limited to, guest lecturers and outside presenters;

(c) The right to receive, upon request, information about individuals and organizations receiving school contracts and funding in the school in which their child is enrolled;

(d) The right to view or receive all school records, medical or otherwise, concerning their minor child;

(e) The right to access information about the collection and transmission of their minor child's data;

(f) The right to know about records regarding situations affecting their minor child's safety in school, provided that such disclosure does not violate privacy and confidentiality rights.

(2) Where the curricular materials being made available to parents for review are subject to copyright, trademark, or other intellectual property protection, the review process shall include technical and procedural safeguards to ensure that the materials are not able to be widely disseminated to the general public in violation of the intellectual property rights of the publisher and that content validity is not undermined.

4. No school or individual attendance centers of such school shall require nondisclosure agreements or similar forms for a parent's review of curricula. Each public school or school district shall allow parents, upon request, to make a copy of curriculum documents or to receive such documents in an electronic format, provided that no request would cause an infringement of copyright protections provided under the federal Copyright Act of 1976 (17 U.S.C. 101, et seq.), as amended.

5. No school or individual attendance centers of such school shall collect any biometric data of a minor child without obtaining written parental consent before collecting such data or information, except for biometric data necessary to create and issue appropriate school identification cards.

6. Each school board meeting or charter school governing board meeting pertaining to curricula shall be held in public and allow for public comments.

7. Each school and individual attendance centers of such school shall notify parents in a timely manner of all reported incidents directly pertaining to their student's safety that result in any felony or misdemeanor charges filed against teachers, other school employees, or any guests or visitors.

8. No school district or public school shall provide any school records as described in this section in violation of any relevant state or federal law or policy protecting or limiting access to such school records. Nothing in this section shall be construed to violate any provision of chapter 610 or other provisions of law regarding records that are protected from disclosure.

161.852. 1. The commissioner of education shall establish the Missouri Education Transparency and Accountability Portal which shall be an internet-based tool creating transparency in Missouri's public education system and providing citizens access to every school district's curriculum, textbooks, source materials, and syllabi provided that the posting of such material does not violate intellectual property rights.

2. The portal shall consist of an easy-to-search database, including but not limited to all curriculum taught by a school and the cost associated with speakers and guests

used by a school in their professional development activities.

3. The commissioner of education shall establish an online form that each school district in this state shall complete with information required under subsection 2 of this section.

4. A school shall submit any updates to the information outlined in subsection 2 of this section monthly.

5. The school board of each school district and the governing board of each charter school shall ensure the disclosure of a listing of all materials under subsection 2 of this section.

6. The portal shall list the name of each school board member, the school district the member serves, the member's election date, and the expiration date of the member's term. A school board shall submit any updates to this information to the department of elementary and secondary education monthly.

7. The portal shall include names of presenters and distributed materials from all administrator, teacher, and staff professional development and instructional programs offered to public schools, and shall be fully transparent and available to parents of students enrolled at such schools. Lists by schools showing date of attendance, name and position of district attendee, program name, and description shall be provided by request and free of charge. No on-site program shall be provided by a school or attendance center thereof prior to the school's governing board approving and adopting the on-site program. Lists of schools that have approved the on-site program shall be provided on the department's website.

8. In addition, for programs offered to schools by third-party contractors, the department shall maintain data

and information on the department's website related to those programs including a breakdown by school district for each Missouri state funded program showing the amount paid to the third-party contractor by year and by program detailing the public funds spent on categories of program promotion, development, training, local implementation, and other miscellaneous costs, such as travel and physical materials for the prior three years.

9. The portal shall include an easy-to-search database of all of a public school district's or public charter school's financial transactions related to:

(1) All bonds issued by any public school district or public charter school after August 28, 2023;

(2) The revenue stream pledged to repay any such bonds or obligations;

(3) All forms of compensation and benefits paid to or on behalf of public school districts and public charter schools; and

(4) All debt incurred by any public charter school.

This information shall be supplied to the department of elementary and secondary education within the number of days and in a manner to be determined by the department. Within seven calendar days of receiving such information, the department shall upload such information onto the portal.

10. The department of elementary and secondary education may promulgate rules to implement this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter

536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this act shall be invalid and void.

170.355. 1. As used in this section, the following terms mean:

(1) "Parent", a student's parent, guardian, or other person having legal control or custody of the student;

(2) "School", a public school or school district as such terms are defined in section 160.011, including a charter school as defined in section 160.400.

2. No school or school employee shall compel a teacher to teach or a student or teacher to personally adopt, affirm, adhere to, or profess a position or viewpoint that a reasonable person would conclude violates the public policy expressed in this section or in section 1.200 or Article I, Section 2 of the Constitution of Missouri. Such violations include the following:

(1) That individuals of any race, ethnicity, color, or national origin are inherently superior or inferior;

(2) That individuals should be adversely or advantageously treated on the basis of individual race, ethnicity, color, or national origin; or

(3) That individuals, by virtue of their race, ethnicity, color, or national origin, bear collective guilt and are inherently responsible for actions committed in the past by others.

3. No curriculum, instructional materials, course of instruction, or unit of study offered by any school shall advocate, affirm as true, or endorse any idea, concept, position, or viewpoint nor direct or otherwise compel students to personally affirm, adopt, or adhere to any

ideas, concept, position, or viewpoint in violation of subsection 2 of this section.

4. Courses on critical race theory or units of study on critical race theory within a course shall not be offered at any grade level by any public elementary or secondary school or by any preschool, early childhood education, or pre-kindergarten program offered by a public school district or charter school.

5. No course of instruction, unit of study, professional development, or training program shall direct or otherwise compel teachers to personally affirm, adopt, or adhere to any idea, concept, position, or viewpoint in violation of subsection 2 of this section.

6. No school employee, when acting in the course of such employee's official duties during contracted hours, shall participate in, or carry out any act or communication that would violate subsection 2 of this section nor teach, advocate, affirm as true, or endorse any idea, concept, position, or viewpoint in violation of subsection 2 of this section.

7. No school district, public school, or charter school may require a student, teacher, administrator, or other employee to attend or participate in a training, seminar, continuing education, orientation, or therapy that a reasonable person believes promotes any belief or concept described in subsection 2 of this section.

8. Nothing in this section shall be construed as prohibiting:

(1) Speech protected by Article I, Section 8 of the Constitution of Missouri or the First Amendment to the Constitution of the United States;

(2) Voluntary attendance in a training session, seminar, continuing education, orientation, or therapy,

provided that there is no inducement or coercion for such attendance;

(3) Access to sources on an individual basis that advocate concepts described in subsection 2 of this section for the purpose of research or independent study;

(4) Discussion of beliefs or concepts described in subsection 2 of this section or the assignment of materials that incorporate such beliefs or concepts for educational purposes, provided that the public school expressly makes clear that it does not sponsor, approve, or endorse such beliefs or concepts;

(5) Teachers from discussing current events in a historical context;

(6) Courses in African American history, Native American history, and women's history; or

(7) The use of curriculum that teaches the topics of sexism, slavery, racial oppression, racial segregation, affirmative action, or racial discrimination, including topics related to the enactment and enforcement of laws resulting in religious and ethnic discrimination, sexism, racial oppression, segregation, and discrimination.

9. This section shall not be construed to prohibit teachers or students from discussing public policy issues, current events, or ideas that individuals may find unwelcome, disagreeable, or offensive.

10. Any employee of a school district that discloses a violation of this section shall be protected from any manner of retaliation as set forth in section 105.055.

11. If a parent learns that a teacher is in violation of this section, and such teacher is acting independently, then such parent may file a complaint with the department of elementary and secondary education about the violation of this section. The department shall send such complaint to

the state board of education. The state board of education shall hold a contested case hearing under chapter 536 between the parent and the school district within thirty days of receiving such complaint. If the state board of education agrees that a violation of this section has occurred, the parent shall have an amount equal to the state adequacy target deposited into accounts established for the parent's children under sections 166.400 to 166.456 for the parent's children to be paid by the school district in which the teacher is employed. Such account funds shall be available to use until the youngest child graduates from high school.

12. (1) If a parent learns that a teacher is in violation of this section, and such violation is occurring throughout the school district, then such parent may file a complaint with the department of elementary and secondary education about the violation of this section. The department shall send such complaint to the state board of education. The state board of education shall hold a contested case hearing under chapter 536 between the parent and the school district within thirty days of receiving such complaint. If the state board of education agrees that a violation of this section has occurred, the following penalties shall apply:

(a) Upon a first offense, such district shall have five percent of its state aid under chapter 163 withheld by the department, until the district presents evidence to the department that the district is no longer in violation of this section;

(b) Upon a second offense, such district shall have ten percent of its state aid under chapter 163 withheld by the department, until the district presents evidence to the

department that the district is no longer in violation of this section; and

(c) Upon a third offense, such district shall be classified as unaccredited by the department until the district presents evidence to the department that the district is no longer in violation of this section.

(2) If a public school or public charter school knowingly violates any provision of this section, or if an employee of a public school or public charter school knowingly violates any provision of this section, the public school or public charter school where such violation occurred shall be liable to the injured party in an action at law, suit in equity, or other proper proceeding for redress, and subject to a civil penalty of five hundred dollars per occurrence. Any person injured under this section shall have standing to pursue an action in the circuit court of Cole County. The court shall hold a hearing on the motion for temporary restraining order and preliminary injunction within thirty days of service of the petition. In such action, the court may award the pursuing party, other than the state of Missouri or any political subdivision of the state, reasonable attorney fees and costs.

170.370. 1. The department of elementary and secondary education shall develop a patriotic and civics training program in order to prepare teachers to teach the principles of American civics and patriotism.

2. The patriotic and civics training program shall cover the provisions and principles of the Constitution of the United States, American history, and American institutions. The patriotic and civics training program shall also cover the provisions and principles of the Constitution of Missouri.

3. Subject to appropriation, each elementary and secondary education teacher that completes the training program shall receive a one-time bonus of three thousand dollars to be paid by the department.

4. The department of elementary and secondary education shall promulgate rules and regulations to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.